

REMARKS

Claims 1-22 and 28-37 are pending. In the Office Action dated August 18, 2006 ("Office Action"), all pending claims were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Numbers 6,292,478 or 6,546,003 (hereinafter referred to as "Farris I" and "Farris II".) Claim 35 was also rejected under Section 102(e) as allegedly anticipated by U.S. Patent Number 6,243,373 ("Turock"). Further, claims 1, 6-7, 13-16, and 18-19 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Turock in view of U.S. 6,298,057 ("Guy"). Claims 8-10, 12, 20-21, and 28-29 were rejected under Section 103 as allegedly unpatentable over Turock in view of Guy and further in view of U.S. Patent Number 6,185,184 ("Mattaway"). Claim 30 was rejected under Section 103 as allegedly unpatentable over Turock in view of Mattaway. Claim 31 was rejected under Section 103 as allegedly unpatentable over Turock in view of Mattaway and further in view of Guy.

The Office Action (page 23) further stated that claims 2-5, 11, 17, 22, 32-34, and 37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. This statement plainly contradicts the foregoing rejection of these claims based on Farris I and Farris II. Applicants respectfully request that the Examiner clarify the ambiguous record.

The Office Action followed the Supplemental Appeal Brief filed on December 7, 2004. In response to the Office Action, Applicants exercised their right to continue their appeal, and filed a Notice of Appeal on November 16, 2006. Applicants then determined that the presently pending claims were invented prior to Farris I and Farris II. Therefore, pursuant to 37 C.F.R. § 41.33(d)(1), Applicants herewith re-submit the attached the Declaration of Robert D. Farris ("Declaration"), made according to 37 C.F.R. § 1.131, and first submitted on April 9, 2007. The Declaration establishes that the present claims were conceived prior to Farris I and Farris II (§§ 6-7), and that Applicants exercised diligence between the time of conception and the time when the parent to the present application was filed on December 18, 1996 (§§ 8-9). Applicants respectfully urge that all rejections based on Farris I and Farris II should be withdrawn, based on the Declaration.

Further, for at least the reasons set forth in the Supplemental Appeal Brief, Applicants respectfully urge that the foregoing Section 103 rejections should be withdrawn.

CONCLUSION

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under Order No. 65632-0107, from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

Electronic signature: /Charles A. Bieneman/
Charles A. Bieneman
Registration No.: 51,472
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 25537
Attorneys for Appellant